

Response to Final Office Action
Docket No. 015.0405.US.CON

REMARKS

Claims 1-5 are pending and remain in the application. Claims 1-5 have been amended.

Applicants and their representatives respectfully thank the examiner for the telephone interview of October 31, 2007, during which the rejections under 35 U.S.C. §§ 101 and 112 were discussed.

The Information Disclosure Statement (IDS) mailed on July 27, 2006 was not acknowledged in the present Office action. The IDS was timely filed and must be considered on the record. 37 C.F.R. 1.97(c). Acknowledgement of the foregoing IDS and entry of the cited art references is requested.

Claims 1-5 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 1-5 have been amended and are now statutory. Specifically, Claim 1 recites a storage medium and a wireless computing device. No new matter has been entered. Support can be found in the specification on page 9, line 15 through page 11, line 29. Withdrawal of the rejection is requested.

Claims 1-5 remain rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicant traverses. Claim 1 has been amended to recite a storage medium configured to hold data in a cartridge script loadable into a wireless computing device; and a wireless computing device configured to execute a scenario by triggering the user navigational events in the user event data stored on the cartridge script through movement of the wireless computing device. Both the storage medium and wireless computing device elements are enabled. No new matter has been entered. Support for these terms, as well as other terms, is more specifically set forth in the discussion regarding the novelty rejection.

Thus, Claim 1 is enabled. Claims 2-5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

Claims 1-5 remain rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicant traverses. To clarify, the term "zone of influence" is a noun phrase, in a manner of meaning similar to "zone of parking" or, more commonly, "parking zone." Here, the applicants are being their own

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lexicographer. MPEP 2173.01. In addition, Claim 1 has been amended to positively recite user event data configured to define one or more user navigational events and trigger data configured to specify a trigger condition, thereby making the terms "user (navigational) event" and "trigger" definite. No
5 new matter has been entered. Support for these terms, as well as other terms, is more specifically set forth in the discussion regarding the novelty rejection.

Thus, Claim 1 is definite. Claims 2-5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

10 Claim 1 remains rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,320,495 to Sprogis. Applicant traverses. A claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 1231.

15 Sprogis discloses a treasure hunt type game that utilizes global positioning satellite (GPS) equipped wireless communication devices (Abstract). Players are given clues or directions to proceed along a predetermined treasure hunt route based upon their location as determined by a GPS receiver (Abstract; Col. 2, lines 3-20 and 67-Col. 3, lines 4-18; Col. 5, lines 11-29). A gamemaster computer
20 program (gamemaster) is designed to run the treasure hunt from a central Website (Col. 3, lines 4-5, 19-26 and 51-55). The gamemaster inputs a general map of the treasure hunt territory, which is divided into a plurality of smaller segments, each assigned a unique number (Col. 4, lines 15-19). The players' GPS receivers receive locational data, which is transmitted back to the gamemaster by the
25 wireless communications device (Col. 3, lines 5-8). The gamemaster then determines the next clue to be given to a player based upon the player's location in relation to a particular segment, as well as other variables, such as the number of clues the player has correctly answered and the position of other players (Col. 2, lines 12-16; Col. 3, lines 9-15; and Col. 5, lines 8-25).

30 Claim 1 has been amended to recite a locational module configured to continuously self-identify a location of the wireless computing device based on

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dynamic geolocational data determined in response to the movement. In contrast, Sprogis teaches a gamemaster to run a treasure hunt type game (Sprogis, Col. 4, lines 15-17) and locational data, from the wireless communication device, is sent to the gamemaster for determining the player's location within a particular
5 segment on the map (Sprogis, Col. 3, lines 7-9). Therefore, Sprogis teaches a gamemaster for identifying a location of a player within a map segment.

In addition, Claim 1 has been amended to recite a processing module configured to determine a correlation between the dynamic geolocational data and the static geolocational data for one or more of the zones of influence in the zone
10 of influence data, and to locally trigger the user navigational event in the user event data associated with the trigger condition in the trigger data of the zones of influence in the zone of influence data based on the correlation. In contrast, Sprogis teaches that navigational data is received by the GPS receiver and transmitted to the gamemaster via the wireless communication device (Sprogis,
15 Col. 4, lines 7-9). The gamemaster uses the navigational data to determine clues for providing to a player once the player enters a new segment on the map (Sprogis, Col. 5, lines 11-12) and the clues are sent to the wireless communications device for displaying to the player (Sprogis, Col. 3, lines 13-18). Therefore, Sprogis teaches a gamemaster for triggering, determining, and
20 providing clues to a user, rather than a processor on a wireless computing device.

No new matter has been entered. Support for the amendments can be found in the specification as originally filed. Specifically, support can be found for the term "cartridge" in the specification, for example, on p. 10, lines 20-24, 27-29, and 30. Further, support can be found for the term "zone of influence" in
25 the specification, for example, on p. 10, line 30-p. 11, line 1; and p. 11, lines 3-5. Still further, support can be found for the term "user event" in the specification, for example, on p. 8, lines 15-16; p. 9, lines 20-23; p. 10, line 30-p. 11, line 2; and p. 11, lines 3-4, and 5-7. Still further, support can be found for the term
30 "cartridge script" in the specification, for example, on p. 17, lines 24-24; and p. 18, lines 9-21. Still further, support can be found for the term "processing module" in the specification, for example, on p. 12, lines 26-28; p. 20, lines 10-

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19; p. 21, lines 15-26; and p. 22, lines 12-14. Still further, support can be found for the term "locational module" in the specification, for example, on p. 9, lines 18-20; p. 10, lines 2-7; and p. 12, lines 26-28. Finally, support can be found for the term "trigger" in the specification, for example, on p. 8, lines 15-16; and p. 11; lines 3-4, and 5-7.

Accordingly, Sprogis fails to teach each and every limitation of Claim 1 and does not anticipate. Claims 2-5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

Claims 1-5 are believed to be in a condition for allowance. Entry of the claim amendments and continued examination are requested. A Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

Respectfully submitted,

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